S.B. Criminal Misc. Bail Application No.3758/2006
Date : 07.09.2006

**HON'BLE MR.SATYA PRAKASH PATHAK, J.**

Mr. B.S. Rathore for the applicant.
Mr. Vishnu Kachhawaha, Public Prosecutor.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that the present bail application has been moved on behalf of Nasar alias Nasir and the fatal blow caused to the deceased has not been attributed to him. In this connection, he has invited my attention to the First Information Report and also towards statement of Smt. Nazma. His contention is that infact twisted version of the prosecution story has been placed subsequently after due deliberation because at two occasions family members including father and brother of the deceased have clearly stated in the hospital before the Doctor that the

head injury was the result of an accident in which a buffalo hit the deceased. According to learned counsel, if that fact is correct then entire prosecution story is falsified. He further submits that in view of statement recorded of another witness fatal blow caused to the deceased has been attributed to Sahajad whose bail application has not been moved. In last, he prays that in above circumstances the applicant may be enlarged on bail.

On the other hand, learned Public Prosecutor has opposed the bail application and submitted that it is a case where one person has died but the fact of the matter is that fatal blow was inflicted on the person of the deceased has been attributed to Sahajad.

I have considered the submissions made before me and carefully gone through the material available on record.

Taking into consideration the overall facts and circumstances of the present case, I deem it just and proper to enlarge the accused applicant on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicant Nasar alias Nasir shall be released on bail in FIR No.668/2006 P.S. Pratapgarh, District Chittorgarh, provided he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

**(SATYA PRAKASH PATHAK), J.**

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